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COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT

PLANNING COMMISSION

MEETING DATE September 24, 2015	CONTACT/PHONE Holly Phipps / 781-1162 / hhipps@co.slo.ca.us	APPLICANT DLP Ag Partnership, LP	FILE NO. DRC2013-00113
SUBJECT Hearing to consider a request by <b>DLP AG PARTNERSHIP, L.P.</b> for a Conditional Use Permit (DRC2013-00113) to allow for the phased development of a wine production facility and tasting room/hospitality facility as well as an event program. At buildout the winery would total 17,408 sf and the tasting room/hospitality facility would total 5,063 sf. Events are proposed to include 20 events per year with a maximum of 150 attendees and additional wine industrywide and non-profit events. The request also includes amplified music past 5 PM. The project will result in the disturbance of approximately 3.0 acres on a 42.28 acre parcel. The proposed project is located in the Agriculture land use category and is located on the north side of Adelaida Road (3590 Adelaida Road), approximately 3 miles west of the City of Paso Robles, in the Adelaida Sub Area of the North County Planning Area.			
RECOMMENDED ACTION 1. Adopt the Mitigated Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Conditional Use Permit DRC2013-00113 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on August 6, 2015 for this project. Mitigation measures are proposed to address aesthetics, agriculture, air quality, biological resources, noise, public services/utilities, transportation/circulation, wastewater and water/drainage included as conditions of approval.			
LAND USE CATEGORY Agriculture	COMBINING DESIGNATION None applicable	ASSESSOR PARCEL NUMBER 026-233-036	SUPERVISOR DISTRICT(S) 1
PLANNING AREA STANDARDS: None applicable			
SURROUNDING LAND USE CATEGORIES AND USES: North: Agriculture / almond orchard      East: Agriculture / almond orchards South: Agriculture; vineyards      West: Agriculture; vineyards			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242			

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Building Division, Public Works, Environmental Health, Ag Commissioner, Air Pollution Control District, County Sheriff's Department, California Department Fish and Wildlife, Regional Water Quality Control Board, and CAL FIRE	
TOPOGRAPHY: Nearly level to steeply sloping	VEGETATION: Grasses, 28 acres of vineyards
PROPOSED SERVICES: Water supply: On-site wells Sewage Disposal: Individual septic systems Fire Protection: CAL FIRE	ACCEPTANCE DATE: July 16, 2014

## PROJECT DESCRIPTION

The proposed project includes the phased development of a wine production facility and tasting room/hospitality facility as well as a special events program. At buildout the winery would total 17,408 sf and the tasting room/hospitality facility would total 5,063 sf. The concept of the project as a whole is to include and conduct all aspects of wine making on-site including: harvest, crushing, fermentation, barrel aging, blending, bottling, and case storage.

The proposed special events program would include 20 events per year with a maximum of 150 attendees each. The applicant is requesting to participate in industry-wide events and other related events established during event weekends as currently allowed by Ordinance. The request also includes outdoor amplified music past 5 PM.

The project site currently contains about 28 acres of grape vines and a barn used for storage. Wine production at buildout is estimated to be 15,000 cases annually.

### Phasing Plan

The project would be developed in three phases over 15 years. Project components are summarized by phase in Table 1:

Table 1 – Project Components By Phase		
Project Phase	Project Components	Area
Phase I (1 to 5 years)	Wine Production Barn Hospitality/Tasting Room and Administration Building Winery Operations	6,789 sf 5,063 sf <u>2,392 sf</u>  Total: 14,244 sf
Phase II (5 to 10 years)	Production Barn Addition	Total: 3,936 sf
Phase III (10 to 15 years)	Production Barn Addition Modification of Vineyard Barn	1,968 sf <u>2,323 sf</u>  Total: 4,291 sf
Total At Buildout:	Winery Hospitality/Tasting Room	17,408 sf <u>5,063 sf</u>  Total: 22,471 sf

## Event Program

The applicant is requesting approval of a Special Event program to allow for 20 special events per year with a maximum of 150 guests each. The Special Events program does not include industry-wide or non-profit events which are allowable without use permit approval. The project is conditioned to allow up to 20 special events with up to 150 guests

The following is a reasonable assumption of the number of winery related ("industry-wide") activities that occur with other wineries within the region:

- Up to 3 winery pick up events with up to 200 people;
- Up to 3 industry-wide events with up to 200 people;
- Up to 12 other activities with up to 50 people (less than 50 people is not considered an event);
- Non-profit events

The project is conditioned to allow 6 wine industry-wide and 2 non-profit events per year.

Parking for events would be provided near the hospitality/tasting room area, in the level area immediately west of the production building and along the un-paved access roads.

## **PROJECT HISTORY**

There is an existing vineyard and barn on the property. According to the applicant, the existing barn was constructed around 1989 with an addition in 1995. This existing unpermitted 2,323 sf agricultural barn ("Vineyard Barn" on the plans) will be converted into a wine case goods storage and administration building. The project is conditioned for the applicant to obtain all necessary "as built" permits for this structure.

## **ORDINANCE MODIFICATIONS**

Special events associated with a winery are governed by LUO Section 22.30.070.D.2.i(3) which sets forth limitations on the number of such events per year (no more than 40) and the hours during which amplified music may be allowed (between the hours of 10 AM and 5 PM). The standard relating to amplified music may only be waived or modified where a finding can be made by the Review Authority that the noise at the property line will not exceed 65 dB.

The applicant requested an exception to the standard limiting amplified music for special events to allow amplified music in the evenings past 5 PM. To support this request, the application includes a noise study (David Dubbink Associates, 2014) which makes the following conclusions:

- The distance between the property line and the closest location for proposed winery events with amplified music is 200 feet. At this distance, amplified music producing 80 decibels would be attenuated to 68 decibels, which is 3 decibels above the County threshold of 65 dB.
- If the same event were held at the furthest event location from the property line (280 feet) the noise measured at the property line would attenuate to 65 dB and not exceed the County threshold.
- A number of strategies could be employed to achieve the 65 dB standard for events at the closest venue to the property line. These strategies include:

- Holding events inside a tent, which can reduce noise levels by 10 decibels;
- Aiming the loudspeakers away from the property line;
- Holding events in an area where a building is between the noise source and the property line.

As conditioned, the findings can be made to approve the ordinance modification.

## ORDINANCE COMPLIANCE

The project is subject to Land Use Ordinance Section 22.30.070D(2) (Wineries), Section 22.30.610 (Temporary Events), and Section 22.18 (Parking and Loading). These sections set forth standards for development including but not limited to access, setbacks, parking, design, screening, height, lighting, special events, tasting rooms, retail sales, and location.

As conditioned, the project complies with the requirements of the Land Use Ordinance as follows:

<b>Table 2 - Winery / Tasting room and Special Events</b> (Section 22.30.070, Section 22.30.610 and Section 23.18)			
<b><u>Standard</u></b>	<b><u>Required</u></b>	<b><u>Proposed</u></b>	<b><u>In Compliance</u></b>
Use Permit Required	CUP required for 6 or more events and where more than 80 individuals may attend	20 special events with up to 150 individuals	Yes, CUP submitted
Minimum Site Area	20 acres for wineries with special events	The subject property is approximately 42.48 acres	Yes
Access location	Wineries with tasting room, retail sales, special events located on or within 1 mile of arterial or collector	Winery is located on Adelaida Rd. a rural collector road	Yes
Setbacks from property lines	200 feet for tasting room	Front: 200 feet Sides and Rear: >200 feet	Yes
Setbacks from property lines	100 feet required for wine processing buildings	>100 feet	Yes
Setbacks from residences outside of the ownership of the applicant	200 feet for wine processing buildings  400 feet for tasting room	>200 feet  >400 feet for both tasting rooms	Yes
Height	35 feet	32 feet (tasting room) and 35 feet (production building)	Yes
Screening	If visible from the public road wineries shall be screened	Required by ordinance.	Yes, as conditioned.

<b>Table 2 - Winery / Tasting room and Special Events</b> (Section 22.30.070, Section 22.30.610 and Section 23.18)			
<b><u>Standard</u></b>	<b><u>Required</u></b>	<b><u>Proposed</u></b>	<b><u>In Compliance</u></b>
Lighting	Lighting fixtures are required to be shielded	Project is conditioned to meet this requirement	Yes
Solid waste disposal	Pomace may be used as fertilizer or soil amendment	Pomace may be used and composted on site; project conditioned to meet this requirement	Yes
Design Exterior	Wineries shall have an exterior design style that is agricultural or residential in nature	The proposed buildings incorporate an agricultural and residential design style. Colors and materials have been submitted.	Yes
Signs	Maximum of 100 sf of signage; one free standing or monument	Applicant is not proposing to go beyond what is allowed per LUO	Yes
Tasting room	One tasting room allowed for each winery	One tasting room requested: 5,063 sf	Yes
Parking (Section 22.18)	1 per 200 sf of tasting room $5,063 / 200 = 25$	34 spaces, plus one space for limousine/bus, plus 22 spaces for overflow parking	Yes
Design and Operation Standards/ Special Event Parking (Section 22.30.610.D and E)	400 sf per vehicle; Located on open areas with slopes of 10 % or less, free of combustible material; 150 person event would require 61 spaces (24,000 sf)	Ample space exists on-site and around winery buildings, and parking lots. Areas are less than 10% slope	Yes
Design and Operation Standards / Access (Section 22.30.610.D.1-4 and E)	Temporary events shall be provided 2 access points	Three access points are shown on the plans: the main entrance on Adelaida Road, the existing access driveway to the vineyard barn, and a third access at the extreme west end of the property.	Yes
Liquid waste disposal (Section 22.30.070)	Winery wastewater - standards set through RWQCB	Project is conditioned to obtain a discharge permit from RWQCB.	Yes

<b>Table 2 - Winery / Tasting room and Special Events</b> (Section 22.30.070, Section 22.30.610 and Section 23.18)			
<b><u>Standard</u></b>	<b><u>Required</u></b>	<b><u>Proposed</u></b>	<b><u>In Compliance</u></b>
Limitation on Use / Noise (Section 22.30.070)	<ul style="list-style-type: none"> <li>Special events limited to 40 days per year;</li> <li>Outdoor amplified music shall not occur before 10 AM or after 5 PM;</li> <li>Standard may be waived where finding can be made that the noise will not exceed 65 dB at property lines</li> </ul>	<ul style="list-style-type: none"> <li>20 special events per year proposed</li> <li>Applicant is proposing outdoor amplified music after 5 PM. Applicant is requesting standard to be waived.</li> </ul>	Yes, as conditioned

## PLANNING AREA STANDARDS

The area plan standards require that existing rock walls along Adelaida Road shall be preserved in the design and construction of road improvements. No rock walls are proposed for removal as a result of this permit.

## ENVIRONMENTAL REVIEW

An initial study was prepared for the proposed project in accordance with the California Environmental Quality Act and it was determined that the project qualifies for a Mitigated Negative Declaration. Key environmental considerations include:

- Traffic.** The proposed project will contribute to a cumulative impact at the intersection of Adelaida Road and Nacimiento Lake Drive. Public Works is in the process of designing left turn improvements for the intersection. A fair share contribution of \$2,051 per PM peak hour trip is required for this project, which will be calculated and paid with each building permit. The Adelaida Road and Nacimiento Lake Drive Cumulative Impact Fee will adequately address the project's contribution to area wide cumulative circulation impacts and will reduce the cumulative impacts to less than significant levels.
- Water.** The project site is not within the Paso Robles Groundwater Basin or any basin subareas. No significant water impacts were identified.  

There is one well onsite that produces 250 gallons per minute (GPM). The project is estimated to use 0.93 - 1.35 acre feet per year for the winery and tasting room with an ultimate 15,000 case production (assuming +/-6 employees and landscape irrigation). Special Events may require an additional 0.058 acre feet per year. The process wastewater will be collected, stored, and subsequently land applied using methods consistent with Winery Waste Discharge Requirements.
- Biological Resources.** The project site has been cultivated and tilled for many years and contains little or no habitat value. An assessment of the unnamed drainages crossing the site suggests that construction of the main access drive and bridge may require permits from the California Department of Fish and Wildlife and/or the US Army Corps of Engineers. The project is conditioned to demonstrate compliance with relevant jurisdictional permitting requirements before building permit issuance.

- **Noise.** As discussed above under Ordinance Modifications, the applicant requested an exception to the standard limiting amplified music for special events to allow amplified music in the evenings past 5 PM. The project has been conditioned to employ strategies that ensure noise levels remain below 65 dB at the property line for events with amplified music.

## AGENCY REVIEW

Public Works - Project will contribute to a cumulative impact at the intersection of Adelaida Road and Nacimiento Lake Drive; apply standards for driveway approach, fair share contribution is \$2,051.00 per peak hour (Friday afternoon) trip.

Environmental Health – An annual permit may be required for the water supply at this facility;

Ag Commissioner – No impacts to agriculture identified; recommendations for conditions to maximize water conservation and groundwater recharge. The project is not within a Williamson Act Contract.

Environmental Health – Requirement for a Hazardous Materials Declaration Form; requirements for establishing a licensed food facility are provided.

Californian Department of Fish and Game – No comments submitted.

CAL FIRE – Fire Safety letter provided dated March 18, 2015.

Region Water Quality Control Board – No comments submitted.

Air Pollution Control District - No comments submitted.

## LEGAL LOT STATUS

The lot was legally created by a recorded map at a time when that was a legal method of creating lots.

## ATTACHMENTS

Exhibit A – Findings

Exhibit B – Conditions of Approval

Exhibit C – Mitigated Negative Declaration with Referral Response and Graphics

Staff Report prepared by Holly Phipps and reviewed by Karen Nall.